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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/664,485 | 09/17/2003 | Daisuke Haba | 393032040600 | 4364 |

7590 04/29/2008
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| EXAMINER |
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PAUL, DISLER

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| ART UNIT | PAPER NUMBER |
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2615

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04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/664,485 | Applicant(s) HABA, DAISUKE | |
| | Examiner DISLER PAUL | Art Unit 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/17/03;5/21;8/21/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

The applicant's amended claims have been analyzed and rejected over new prior art. However, the examiner has now made new ground rejection over 14, this office action is non-final.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,9,12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chvojcek (US 5,395,178) and Bodine, Jr.(US 5,060,638) and Hirade et al. (US 7,119,267 B2).

Claim 1, while Chvojcek disclose of the electro apparatus being small enough to be transportable, wherein a multiplicity of operators are provided on a top surface of a body (fig.1) ; a groove is provided on a under surface of said body (fig.17 wt (82), col.5 line 30-38); and internal threads are provided on the under surface of a body on said groove, and said internal threads are adapted to be engaged with external threads provided at the upper end of a stand, thereby allowing, said electro apparatus to be fixed on the upper end of the stand and supported by the stand (fig.6,2 wt(34,36); .fig.17 wt (82,84,64); col.4 line 57-67, col.5 line 1-40/groove wt key attached).

However, Chvojcek fail to disclose of the groove with the specific wherein the groove extends from one end of said under surface to the other end through the center of said under surface. But, Bodine, Jr. disclose of a system wherein the groove with the specific wherein the groove extends from one end of said under surface to the other end through the center of said under surface (fig.1-8 wt (12); col.4 line 25-33) for purpose of enabling the forearm of a human to rest comfortably within the device. Thus, taking the combined teaching of Chvojcek and Bodine, Jr. as a whole, it would have been obvious for one of the ordinary skill in the art to modify Chvojcek by incorporating the groove extends from one end of said under surface to the other end through the center of said under surface for purpose of enabling the forearm of a human to rest comfortably within the device.

However, the combined teaching of Chvojcek and Bodine, Jr. as a whole, fail to disclose of the device electro apparatus being the electro-acoustic device. However, Hirade et al. disclosed of a system wherein the electro apparatus being the electro-acoustic device (fig.1; col.3 line 20-25) for purpose of producing quality without concern for space. Thus, taking the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Chvojcek and Bodine, Jr. as a whole, by incorporating the electro apparatus being the electro-acoustic device for purpose of producing quality without concern for space.

Re Claim 3 , the electro-acoustic apparatus according to claim 1, wherein said electro-acoustic apparatus is formed to have a low front part and a high rear part, such that a top surface of said

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electro-acoustic apparatus has a low front part and a high rear part when placed on a table, and stays on a substantially horizontal position when mounted on said stand (col.2 line 5-10; fig.1,16/machines to sit on table with structure as in fig.).

Re Claim 9 , the electro-acoustic apparatus according to claim 1, wherein said electro-acoustic apparatus is an audio mixer (fig.1, col.3 line 20-25).

Claim 12, the electro-acoustic apparatus according to claim 1 with the groove, However, the combined teaching of Chvojsek and Bodine, Jr. and Hirade et al. as a whole, fail to disclose of the wherein the groove has shallow depths at its front part and deep depths at its rear part. However, official notice is taken the concept of having the groove has shallow depths at its front part and deep depths at its rear part is simply the inventor's preference. Thus, it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Chvojsek and Bodine, Jr. and Hirade et al. as a whole, by incorporating the concept of having the groove has shallow depths at its front part and deep depths at its rear part for creating the comfort for the user's arm.

Claim 14 , the electro-acoustic apparatus according to claim 1, However, the combined teaching of Chvojsek and Bodine, Jr. and Hirade et al. as a whole, fail to disclose of the wherein triangular slanting surfaces respectively whose width is increased in their rear part are provided between the under surface of the body and side faces of the body is simply the inventor's preference. Thus, it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Chvojsek and Bodine, Jr. and Hirade et al. as a whole, by incorporating the concept of wherein triangular slanting surfaces respectively whose width is

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increased in their rear part are provided between the under surface of the body and side faces of the body for creating aesthetic look of the device.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chvojcek (US 5,395,178) and Bodine, Jr.(US 5,060,638) and Hirade et al. (US 7,119,267 B2) and further in view of MerCs (2002/0009205 A1).

Re claim 13, the electronic-acoustic apparatus according to claim 11, However the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, wherein the level meter is provided on the front part of the top surface. But, MerCs did disclose of a system wherein the level meter is provided on the front part of the top surface (fig.2; page 1[0015]) for the purpose of indicating the level strength signal by the microphone mixer. Thus, taking the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. and MerCs as a whole, it would have been obvious for one of the ordinary skill in the art to have modified combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, by incorporating the level meter is provided on the front part of the top surface for the purpose of indicating the level strength signal by the microphone mixer.

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4. Claim 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chvojcek (US 5,395,178) and Bodine, Jr.(US 5,060,638) and Hirade et al. (US 7,119,267 B2) .

Re claim 15, the electro-acoustic apparatus according to claim 11, However, the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, fail to teach of the wherein discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body. However, official notice is taken the limitation of having the discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body is commonly known in the art, thus it would have been obvious for one of ordinary skill in the art to have modified the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, by incorporating the teaching of having the discoid supportive protrusions, projecting out of the under surface are provided at the vicinity of the four corners of the under surface of the body for the purpose of stabilizing the device when positioned on the surface floor.

Re claim 16, the electro-acoustic apparatus according to claim 11, However, the combined teaching of Chvojcek and Bodine, Jr. and Hirade et al. as a whole, fail to teach of having the switch and a

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connector terminal are provided on a rear panel which is formed on the rear of the body. However, official notice is taken the limitation of having the switch and a connector terminal are provided on a rear panel which is formed on the rear of the body is commonly known in the art. Thus it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Chvojsek and Bodine, Jr. and Hirade et al. as a whole, by incorporating the having the switch and a connector terminal are provided on a rear panel which is formed on the rear of the body for the purpose of disabling the device and as well as connecting the device to external electronic apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./

Examiner, Art Unit 2615

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615